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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,402	03/29/2004	Christopher Lanci	28,477-A	8990

7590

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EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/810,402

Applicant(s)

LANCI, CHRISTOPHER

Examiner

Brian K. Green

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the software disc and computer defined in claim 5 must be shown or the feature(s) canceled from the claim(s). The element labeled numeral “24” in figure 2 does not appear to be a groove. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, line 10, there is no antecedent basis for "the data".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roundtree (U.S. Patent No. 718,281) in view of Colbert et al. (U.S. Patent No. 1,802,170) and Verhoeven et al. (U.S. Patent No. 6,907,131).

Roundtree shows in figures 1-2 a peripheral frame element (11), a transparent cover glass (1), a frame (3) on the inner surface of the cover glass, a print (2) within the smaller frame (3), and a template (9) corresponding to the size of the cover glass, and positioning the template and cover glass within the frame element (11). Roundtree does not disclose printing a legend onto the template. Roundtree discloses that the template includes a grain thereon (see page 1, lines 80-81) and may include other ornamentals besides wood grain, see page 1, lines 99-102. Colbert et al. shows in figures 1 and 2 and discloses on page 1, lines 65-72 the idea of

Art Unit: 3611

printing/lithographing indicia onto a border portion (5). In view of the teachings of Colbert et al. it would have been obvious to one in the art to modify Roundtree by printing a legend onto the template (9) since this would create a more aesthetically pleasing and amusing display device. Roundtree in view of Colbert et al. disclose the applicant's basic inventive concept except for providing data on a disc, storing the data into a computer, and printing the stored data onto the template. As discussed above, Roundtree discloses the idea of placing a grain on the template and other ornaments besides wood grain and Colbert teaches the idea of printing indicia onto a border/template. Verhoeven et al. column 5, lines 30-38, column 6, lines 46-61, and column 7, lines 1-35 the idea of storing data and images on a disc, loading the data from the disk into a computer, and printing the data onto a sheet. In view of the teachings of Verhoeven et al. it would have been obvious to one in the art to modify Roundtree by storing data and images on a disc, loading the data into a computer, and printing the stored data onto the template since this would allow the indicia to be attached to the template in an easier, faster, and more aesthetically pleasing manner. It is not entirely clear whether the data on the disc of Verhoeven et al. is stored in the computer. If the data is not stored into the disc then the examiner takes official notice that it is well known in the art to store data from a disc into a computer in order to allow the data to be retrieved in an easier and faster manner at a latter time. For example, since at least the year 2000 the examiner has personal knowledge that the "TURBO TAX" software is located on a disc and is stored in a computer.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colbert et al. (U.S. Patent No. 1,802,170) in view of Dedlow (U.S. Patent No. 5,243,777) and Verhoeven et al. (U.S. Patent No. 6,907,131).

Colbert et al. shows in figures 1-2 a transparent cover glass (1), a frame (3) on the inner surface of the cover glass, a photograph (see page 1, lines 53-54) within the smaller frame (3), and a template (5) corresponding to the size of the cover glass. Colbert et al. discloses on page 1, lines 65-72 the idea of printing indicia on the template (5). Colbert et al. discloses the applicant's basic inventive concept except for placing the cover glass within a frame. Dedlow shows in figures 1-10 a frame that includes a groove (see figure 3) for receiving and holding a cover glass (44), picture, and backing. In view of the teachings of Dedlow it would have been obvious to one in the art to modify Colbert et al. by placing the cover glass within a frame since this would help to protect the cover glass from being damaged and would allow the cover glass and the rest of the assembly to be attached to and removed from a vertical wall surface in an easier and faster manner. Dedlow in view of Colbert et al. disclose the applicant's basic inventive concept except for providing data on a disc, storing the data into a computer, and printing the stored data onto the template. As discussed above, Colbert teaches the idea of printing indicia onto a border/template. Verhoeven et al. column 5, lines 30-38, column 6, lines 46-61, and column 7, lines 1-35 the idea of storing data and images on a disc, loading the data from the disk into a computer, and printing the data onto a sheet. In view of the teachings of Verhoeven et al. it would have been obvious to one in the art to modify Colbert et al. by storing data and images on a disc, loading the data into a computer, and printing the stored data onto the template since this would allow the indicia to be attached to the template in an easier, faster, and

Art Unit: 3611

more aesthetically pleasing manner. It is not entirely clear whether the data on the disc of Verhoeven et al. is stored in the computer. If the data is not stored into the disc then the examiner takes official notice that it is well known in the art to store data from a disc into a computer in order to allow the data to be retrieved in an easier and faster manner at a latter time. For example, since at least the year 2000 the examiner has personal knowledge that the "TURBO TAX" software is located on a disc and is stored in a computer.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colbert et al. (U.S. Patent No. 1,802,170) in view of Roundtree (U.S. Patent No. 718,281) and Verhoeven et al. (U.S. Patent No. 6,907,131).

Colbert et al. shows in figures 1-2 a transparent cover glass (1), a frame (3) on the inner surface of the cover glass, a photograph (see page 1, lines 53-54) within the smaller frame (3), and a template (5) corresponding to the size of the cover glass. Colbert et al. discloses on page 1, lines 65-72 the idea of printing indicia on the template (5). Colbert et al. discloses the applicant's basic inventive concept except for placing the cover glass within a frame element. Roundtree shows in figure 1 a frame (11) that receives a cover glass (1) therein. In view of the teachings of Roundtree it would have been obvious to one in the art to modify Colbert et al. by placing the cover glass within the frame since this would allow the cover glass and the rest of the assembly to be attached to and removed from a vertical wall surface in an easier and faster manner. Colbert et al. in view of Roundtree disclose the applicant's basic inventive concept except for printing stored computer data onto the template. As discussed above, Colbert teaches

Art Unit: 3611

the idea of printing indicia onto a border/template. Roundtree in view of Colbert et al. disclose the applicant's basic inventive concept except for providing data on a disc, storing the data into a computer, and printing the stored data onto the template. As discussed above, Roundtree discloses the idea of placing a grain on the template and other ornaments besides wood grain and Colbert teaches the idea of printing indicia onto a border/template. Verhoeven et al. column 5, lines 30-38, column 6, lines 46-61, and column 7, lines 1-35 the idea of storing data and images on a disc, loading the data from the disk into a computer, and printing the data onto a sheet. In view of the teachings of Verhoeven et al. it would have been obvious to one in the art to modify Colbert by storing data and images on a disc, loading the data into a computer, and printing the stored data onto the template since this would allow the indicia to be attached to the template in an easier, faster, and more aesthetically pleasing manner. It is not entirely clear whether the data on the disc of Verhoeven et al. is stored in the computer. If the data is not stored into the disc then the examiner takes official notice that it is well known in the art to store data from a disc into a computer in order to allow the data to be retrieved in an easier and faster manner at a latter time. For example, since at least the year 2000 the examiner has personal knowledge that the "TURBO TAX" software is located on a disc and is stored in a computer.

### ***Response to Arguments***

Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
Feb. 27, 2006